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ADDRESS

OF

HON. ELIHU B. WASHBURNE.

RESPONSE OF

Governor Thos. T. Crittenden

ON THE OCCASION OF THE PRESENTATION OF THE PORTRAIT OF  
HON. EDWARD HEMPSTEAD TO THE STATE OF MISSOURI,

JEFFERSON CITY, FEBRUARY 3, 1881.

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JEFFERSON CITY :  
TRIBUNE PRINTING COMPANY, STATE PRINTERS AND BINDERS.  
1881.



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Senator Heard offered the following resolution :

*Resolved*, That fifteen thousand (15,000) copies of the address of Hon. Elihu B. Washburne, together with the response of Governor Thos. T. Crittenden, be printed ; ten thousand copies for the use of the General Assembly, and five thousand copies for the use of Mr. Washburne.

Which was read and unanimously adopted by the Senate and House of Representatives in joint session, February 3, 1881.

FRANCIS C. NESBIT, Secretary Senate.

Mr. McGinnis offered the following :

*Resolved*, That the grateful thanks of the people of Missouri be tendered the Hon. E. B. Washburne for the interesting and instructive address with which he has accompanied his presentation to the State of the portrait of the Hon. Edward Hempstead, the first delegate in Congress from the Territory of Missouri, as well as to Mr. Edward Hempstead, of Illinois, the donor of the portrait, for his valuable gift.

Read and unanimously adopted, February 3, 1881.

J. H. HAWLEY, Chief Clerk.

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## ADDRESS.

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The joint session of the Senate and House of Representatives was presided over by Lieutenant-Governor Campbell, who introduced the distinguished guest as follows:

*Gentlemen of the Executive, Legislative and Judicial Departments of the State:*

We have assembled here in this historic hall to-day to listen to an address by a gentleman who, in all the relations of a life of public service, whether in the legislative halls of his State or the nation, in the cabinet, or the diplomatic service of his country, has ever reflected credit upon himself and glory upon the American name. I will not anticipate the subject of his discourse, or the object of his visit to our capital city. I take pleasure in introducing to you a gentleman whose name is known and honored by all the civilized nations of the earth, Elihu B. Washburne, the distinguished citizen of our sister commonwealth, the great State of Illinois.

The portrait of Hon. Edward Hempstead was then brought forward and formally presented by Mr. Washburne in the following words:

*Gentlemen of both Houses of the Legislature of Missouri:*

I am charged with the performance of a mission which will be explained by a letter addressed to me, and which I beg leave to read:

CHICAGO, January 27th, 1881.

HON. E. B. WASHBURN:

*Dear Sir*—Some time since I intimated to you my intention of presenting to the State of Missouri the portrait of my uncle, Edward Hempstead, provided the State should indicate a desire to possess it. This portrait was painted by Stuart, and was bequeathed to me by my father, Charles S. Hempstead. You now inform me that the House of

Representatives of the General Assembly of that State has passed a resolution declaring that it will gratefully accept the donation. When the matter was first spoken of you had the kindness to say that if the State should accept the portrait, you would go in person to the City of Jefferson and make the presentation in my name. That offer was very gratifying to me, particularly in view of the relationship of your wife, not only to my uncle, but to so many of the earlier settlers of St. Louis and Missouri. The time seems now to have arrived when I can carry out my purpose. I need not say that this portrait is very precious to all our family, but as I have thought it might have a certain historic value to a State to which my uncle was so prominently, and, I believe, so honorably, identified in its earlier history, I, therefore, now beg to confide it to you, to be presented, in my name, to my native State of Missouri, at such time as will be convenient and agreeable to you. I have the honor to be, very respectfully, your obedient servant,

EDWARD HEMPSTEAD.

The writer of this letter, Mr. Edward Hempstead, of Chicago, is a native of Missouri. His father the late Charles S. Hempstead, long and justly distinguished as a citizen and lawyer, of Galena, Ill., had practiced law in Missouri, both at St. Genevieve and St. Louis, from 1814 to 1829. The portrait now presented to the State of Missouri is that of the uncle of the donor, Edward Hempstead, his father's brother. It was painted by Stuart, and by all who knew Mr. Hempstead it has been regarded as a most perfect and admirable likeness, and as a work of art it has rare merit.

The mission which the donor has confided to me is an agreeable one. After a period of forty-one years it awakens pleasant reminiscences of your State. It was in the month of March, 1840, that I first saw St. Louis, and it then had many traces of those early French settlers whose lives and whose names have become so important a part of your history.

The early history of my own State of Illinois, as well as that of Missouri, and of all that vast empire, first discovered, explored and settled by the French, has to me all the interest of a romance. In the wild and rapid whirl of events in our country, we are too apt to neglect or forget history. Humanity sweeps onward, but the recollections of men and the histories of nations and peoples are too often buried in forgetfulness and oblivion. To rescue a name worthy to be remembered and honored, to recall great events, to look back upon the deeds of those who have gone before us, are objects worthy of all our consideration.

The early history of your own State, and particularly of St. Louis, now become so great a city, will always excite the deepest interest

among you. The names of the great, and brave, and the enterprising men, who, amid dangers, trials and sufferings, and under the most adverse circumstances, laid broad and deep the foundations of your great commonwealth, should forever be honored in your memories.

The subject of my paper to-night is one of your earliest and most distinguished pioneers, Edward Hempstead, whose portrait has been so appropriately and so generously presented to your State by his nephew, who bears his name. Mr. Hempstead has the great distinction of having been not only the first delegate of the Territory of Missouri in the Congress of the United States, but the first man who ever sat in the hall of our national councils from the west of the Mississippi river, and representing a country now in the space of less than three-quarters of a century, become an empire in population, enterprise, wealth and all the elements that go to make up a great and free people.

In the Territory represented by Mr. Hempstead in Congress from 1812 to 1814, there are now the following States and Territories: Missouri, Arkansas, Iowa, Kansas, Colorado, Nebraska, Oregon and that part of Minnesota west of the Mississippi river (States) and the Territories of Dakota, Idaho, Montana, Wyoming and Washington.

In 1810 the population of Arkansas was 1,062, and of Missouri 19,783, a total of 20,845, and this comprised the entire population in what was then Upper Louisiana. In 1880 the population of these States and Territories carved therefrom was 7,494,465. Where in 1812 there was one delegate in Congress, there are now sixteen Senators, thirty-five Members of Congress and five delegates. There will be quite an increase of the number of Members of Congress under the new apportionment.

Edward Hempstead was born at New London, Conn., on the 3d of June, 1780, and in the very throes of the revolutionary war. He was the second son of Stephen Hempstead, who was just entering on the stage of manhood when the war for independence broke out. The family belonged to the earliest settlers of the Connecticut colony. No sooner had the intelligence of the battle of Lexington, April 19, 1775, reached New London, than young Hempstead, then 22 years old, volunteered as a private soldier in the service of his country. He went with the first troops who assembled at Boston after the battle of Lexington, participated in the battle of Bunker Hill and saw the British evacuate Boston. He was with Washington, and arrived at New York in July, 1776, when the Declaration of Independence was read to the troops. He witnessed the pulling down of the royal insignia, and heard the words "Free, Sovereign and Independent States" repeated and acclaimed. In the same year he was one of the forlorn hope sent on a most perilous expedition in the "fire-ships" to burn the British man-of-

war Asia, of eighty-four guns, then on the Hudson river above New York. He was a sergeant in the company of Capt. Nathan Hale, the "martyr spy." The steadfast and devoted friend of that brave, generous and accomplished young officer, he accompanied him on his fatal mission. In 1811 he removed to St. Louis, where his son had preceded him, and settled on a farm a few miles from the present city. He was a man of much intelligence, of the strictest probity, and was possessed of all the elements of the best type of the New England character. He was universally respected, and died lamented by all who had known him. He and all his family were the firm friends of Col. Benton, and their friendship was fully reciprocated by that distinguished man down to the last day of his life. It was my fortune to serve in the House of Representatives of the thirty-fourth Congress with Col. Benton, and knowing the connection which I held by marriage to many of the earlier settlers of St. Louis, who were equally his friends, he was always very cordial to me.

I recollect that I made a call upon him on the evening of New Year's day, in 1856. I found him quite alone and in excellent spirits. He commenced at once to speak of the Hempsteads and the Gratiots, and of the olden times in St. Louis. Of Mr. Hempstead, the father, he spoke in the most expressive and beautiful language. He said: "Mr. Hempstead was a true and brave man, a man pure and without reproach, fearing God and discharging every public and private duty with scrupulous exactness; he united benevolence with true piety, and in him patriotism was sublimated to the highest degree. In the words of the scripture, he 'has been blessed in all his generation.' Missouri met with an irreparable loss when his son, Edward Hempstead, died. No man could have stood higher in public or private estimation, and had he lived he would have received every honor that the State could bestow, and would certainly have been the first United States Senator. He lost his life in serving a friend, Mr. Scott. I was with him the night of his death." Here he paused a moment, as if in thought, and then continued abruptly: \* \* \* \*

"Sir, how we did things in those days! After being up with my dead friend all night, I went to my office in the morning to refresh myself a little before going out to bury him five miles from the town. While sitting at my table writing a man brought me a challenge to fight a duel. I told the bearer instantan: "I accept, but I must now go and bury a dead friend; that is my first duty. After that is discharged I will fight to-night, if possible, if not, to-morrow morning at daybreak. I accept your challenge, sir, and Col. Lawless will write the acceptance and fix the terms for me; I was outraged, sir, that the challenge should have been sent when I was burying a friend. I thought it might have



been kept a few days, but when it came I was ready for it." This conversation so impressed me that I wrote it out immediately after my return to my lodgings.

This was the first duel which Col. Benton had with Capt. Charles Lucas, fought on Bloody Island, in August, 1817. The result of the second and fatal duel between the same parties, fought on the 27th of the succeeding month, is known to you all.

Mr. Edward Hempstead received a classical education under the tuition of the Rev. Amos Bassett, a gentleman of piety and learning, in the town of Hebron, Conn. He early began the study of law in his native State, first under Sylvester Gilbert, Esq., and finished under Enoch Huntington, Esq. He was licensed in 1801, and commenced practice in Connecticut. From there he removed to Newport, R. I., where he became a partner of the Hon. Asher Robbins, afterwards a distinguished member of the United States from that State. After remaining two years at Newport, though he gained a good reputation at the bar, and the avenue to a complete success seemed open to him, he determined to seek a home west of the Mississippi. Louisiana had then been purchased from France, and with prophetic vision he saw that

"Westward the star of empire takes its way."

For a young man with no resources but his own character and abilities to leave staid New England to settle in a country half-way across the continent, and just acquired from a foreign nation, was the conception of a stout heart and inspired by a great ambition.

He left Newport, R. I., in June, 1804, and traveled on horseback (at that day almost the only conveyance west of the Allegheny mountains) to Vincennes, in the Territory of Indiana, where he arrived in due time. Finding that the civil laws of our government had not yet been extended over Upper Louisiana, he remained at Vincennes until the fall of that year (1804), when he accompanied the Governor of Indiana Territory, Gen. William H. Harrison, to St. Louis, who visited that district or portion of Upper Louisiana to organize the civil government, courts, etc. This province had just before that time been attached by act of Congress to the Territory of Indiana for governmental and judicial purposes. Mr. Hempstead's arrival at St. Louis was but a few months after the formal transfer of the sovereignty of Upper Louisiana from France to the United States had taken place.

At this time, in the fall of 1804, the town could not have contained a population of more than one thousand souls, and there were but very few English-speaking families. There was not a brick house, or even a brick chimney in the place. The town was then almost as thor-

oughly French as any provincial town in France to-day, with French language, French usages, habits, and manners. There is nothing in history more touching than the devotion and affection which the French residents of St. Louis at that time had for the mother country. Though many of them had been driven out of their country by the storms of the revolution, yet the love of *La Belle France* was with them a supreme and ruling passion. They bore with them through all their relations, and all the vicissitudes of their frontier life, all the habits, the customs and usages of their own beloved France. For long years, when under French political and social domination, St. Louis was a center of commerce and of fashion. Many of these early French settlers were men of enterprise, intelligence and energy, and, though far removed from civilization, they preserved much of the polish and grace characteristic of their nationality. It was on the 10th day of March, 1804, that the transfer of sovereignty was made. It was with feelings of sadness and regret that the great mass of French residents of St. Louis found their allegiance severed from France. This transfer of the sovereignty sank deep in their hearts. On the 10th of March, 1804, tenderly and reverently the proud ensign of France was lowered in the presence of a great multitude and amidst tears and sighs, and then was flung to the breeze of heaven the starry banner of our own republic on the balcony of the residence of Charles Gratiot, who saluted with respect and affection this emblem of his adopted country. Adapting themselves with wonderful facility to the new order of things, the population soon became reconciled to the change. A new impetus was given to trade and business, and immigration began to flow in. An era of prosperity was opened up to them, of which they had little dreamed, and soon realized how beneficial was the change of sovereignty to every interest; they became loyal, true and devoted American citizens. If a digression could be pardoned, I might speak of some of these early French residents of St. Louis whom it was my pleasure and happiness to know but my time will only permit me to mention the one whom I knew the best. This man was Pierre Chouteau, Jr., who, as a merchant and a man of business for nearly half a century, had no equal in the Mississippi valley. He had the genius of commerce, a bold spirit, and an unerring sagacity. So long the successful manager of the American Fur Company, he acquired a reputation through all the vast northwest which made his name everywhere the synonym of commercial honor and personal integrity. In his personal appearance he was remarkable, and no one who had ever seen him could forget him. Tall of stature, erect, and of splendid proportions, his coal-black hair, tinged with gray in his late years, his keen, penetrating black eye, his pleasant and sunny countenance, his French vivacity, his voice strong, vibrating, ac-

centuated, his courtly but frank manners, made an impression at once lasting and agreeable.

Mr. Hempstead first settled at St. Charles, on the Missouri river, where he opened an office and practiced his profession for about one year. Here he devoted himself to the acquisition of the French language, and to the study of the French and Spanish laws.

Though his residence at St. Charles was only a brief one, yet, during that time, he was appointed to and held several offices of high trust and importance connected with the courts. In the fall of 1805 he removed to and established himself at St. Louis, the seat of Government of Upper Louisiana. There he at once entered into a most extensive, laborious and successful practice of his profession, not only in the courts of law, but before the tribunal established for the purpose of adjusting land claims and titles derived from the Spanish and French Governments in Upper Louisiana. Thoroughly studied in this branch of his profession, he was rewarded with corresponding success. He not only practiced in the courts of St. Louis, but in the adjacent districts on the west side, and those in the "Illinois country," as it was then called, on the east side of the Mississippi river. In 1806 he was appointed deputy attorney-general for the districts of St. Louis and St. Charles, to the Territory of Upper Louisiana. In March, 1809, he received from Governor Merriwether Lewis the appointment of Attorney-General for that Territory, which he accepted and held until 1812, and the duties of which highly important office he performed with eminent ability, firmness and efficiency.

I quote from a memoir of Mr. Hempstead, written by his friend Col. Benton, in 1818: "Soon after his settlement in St. Louis, Mr. Hempstead married into one of the most respectable families of the place, but left no surviving issue. His private life was an example of all that is desirable in the character of husband, father, and neighbor. In that of son and brother he has had but few parallels. No sooner did he find himself established in his new residence in Missouri than his filial affections went in search of his parents and relatives, whom he had left in Connecticut when setting out to lay the foundation of his own fortunes in a country so remote and so little known. He brought them to Missouri, established his aged parents in a comfortable home, and extended the assistance of a father to his brothers and sisters. Traits of this kind display the heart; they show the material of which it is made, and speak a higher eulogy than the tongue or pen of friendship can confer."

In this connection, and particularly in reference to the interest taken by Mr. Hempstead in his family, I can not forbear to quote a letter written by him to his brother, the father of the donor of this

portrait, and just as he was entering upon the practice of his profession at Ste. Genevieve. It shows the elevated character of the man, and is as an "apple of gold in a picture of silver:"

"ST. LOUIS, January 13, 1815.

"You are leaving me and beginning for yourself much sooner and at a much earlier age of life than is common. It behooves you, therefore, to be most cautious and prudent. As it respects your conduct as a man, remember that you are going to a place more dissipated than this, and where many of the first men in society are addicted to card-playing. As you have never begun, continue the resolution *never to gamble*, be the inducement what it may. Fall not into the habit many have of drinking. Be free and sociable with your equals in age and standing, but be circumspect with those older than yourself. Be careful in avoiding a misunderstanding with any man; if, however, it can not be prevented, when you are right stick to it to the end.

"Touching your profession, close and constant study and reflection are now very necessary, more especially as you will have to contend with gentlemen of long standing and of high reputation at the bar. Trust more to books for forms, and to memory for principles. Let all your declarations and pleadings be taken from established precedents. Encourage no one to commence a suit when he is wrong, nor where he cannot succeed. Always make a bargain for the price you are to receive for a fee in the beginning, that there may be no misunderstanding afterward, and if the money is not paid take a note for it.

"I might suggest many other hints to you, but I confide much in your discretion and in the general correctness of your ideas. Perseverance and industry will, I have no doubt, enable you to support yourself with honor, give you reputation, without which you cannot succeed in the manner I have just reason to anticipate, and acquire for yourself wealth, fame and happiness."

By act of Congress, approved October 31, 1803, the President was authorized to take possession of and occupy the territory ceded by France to the United States April 30, 1803. The next act relating to Louisiana passed by Congress was to authorize the creation of a stock to pay the purchase money of sixty millions of francs, or \$11,250,000. By act of March 26, 1804, Louisiana was erected into two Territories. The portion which lay south of the Mississippi Territory, extending westward to the western boundary of the territory ceded by France, was to constitute a Territory of the United States under the name of "Orleans." The residue of the Province of Louisiana, which included the present State of Missouri, was organized under the name of the District of Louisiana, and the executive power of the district was vested



in the Governor and judges of Indiana Territory, who were authorized to establish in the said District of Louisiana inferior courts, and prescribe the jurisdiction and the duties thereof, and to make all laws which they might deem conducive to the good government of the inhabitants thereof, with certain limitations therein set down. The Secretary of Indiana Territory was made the Secretary of the District of Louisiana. In fact, what is now the State of Missouri was then practically a part of Indiana Territory.

The act of March 26, 1804, providing for erecting Louisiana into two Territories, did not provide for any legislature, but provided that the legislative power of the Territory of Orleans should be vested in the Governor and in thirteen of the most fit and discreet persons of the Territory, to be called the Legislative Council, to be appointed annually by the President of the United States from among those holding real estate, etc. The act providing for the government of the Territory of Orleans, passed March 2, 1805, changed this by providing that the Governor of said Territory should cause to be elected twenty-five representatives of the people, who, with the members of the Legislative Council, appointed and commissioned by the President, as above stated, were to constitute a "General Assembly."

The act of Congress, June 4, 1812, provided that the Territory hitherto called Louisiana, should thereafter be called Missouri, and declares how the government of the Territory of Missouri shall be organized and administered.

The legislative power of the Territory was vested in a General Assembly, consisting of the Governor, a Legislative Council, to consist of nine members, and a House of Representatives of thirteen members. The members of the council were appointed by the President of the United States, from a list of eighteen persons, submitted to him by the House of Representatives. The House of Representatives was to be composed of members elected every second year by the people. No man could be a member of the Legislative Council unless he owned in his own right two hundred acres of land in the Territory, and no man was eligible to the House of Representatives unless a freeholder in the county in which he might be elected.

For the first time in the territory acquired from France, provision was made in this act for the election by the citizens of the said territory of one delegate to the Congress of the United States. Missouri having been erected into a Territory June 4, 1812, Benjamin A. Howard, who was then Governor of the Territory of Louisiana, on the 1st day of October, 1812, issued at St. Louis, the then capital, a proclamation, declaring that the new territorial government would commence its opera-

tion on the 1st day of December of that year, and districting the Territory for thirteen members of the House of Representatives, as follows :

St. Charles, two; St. Louis, four; Ste. Genevieve, three; Cape Girardeau, two; New Madrid, two. It was declared therein that New Madrid should be the seat of justice for the future county of New Madrid, which future county would comprise the then district of New Madrid, and Arkansas, the then Territory of Missouri, embracing what is now the State of Arkansas.

This proclamation fixed the election of the said House of Representatives and a territorial delegate to the Congress of the United States, on the second Monday of the following month of November, 1812. This was at the time of the war with Great Britain.

At this election Edward Hempstead was elected delegate to Congress. This election took place just one week (November 2, 1812), from the opening of the second session of the twelfth Congress, to which he had been elected. On the 4th of January, 1813, he took his seat, as shown by the following entry in the journal: "Monday, January 4, 1813, Edward Hempstead, returned to serve as the delegate in this House from the Territory of Missouri, appeared, produced his credentials, was qualified, and took his seat." A question arose whether the delegate, thus elected, could remain a delegate after the expiration of the Twelfth Congress on the 4th of March, 1813.

The first official act of Mr. Hempstead was a motion to raise a committee of the House to inquire into the matter. Of that committee Mr. Hempstead was chairman. The practice of the House of Representatives of that date was different from that of the present time. Under the present rules and practices of the House of Representatives, the territorial delegates cannot sit on the committees of the House. On the 15th day of January, Mr. Hempstead introduced into the House certain resolutions, instructing the Committee on Public Lands to inquire into the expediency of legislation in regard to the adjudication of land claims, etc., in the Territory of Louisiana (then Missouri), and, also, instructing the same committee to inquire into the expediency of granting the right of pre-emption to actual settlers on public lands in the Territory of Missouri.

On the 29th of January, 1813, Mr. McKee, from the committee appointed on the motion of Mr. Hempstead, to inquire into the question of further legislation in regard to election of delegate from the Territory of Missouri, reported that no legislation was necessary, for the reason that the delegate having been elected for two years under the provision of the law organizing the Territory, he could hold his seat for that term; that is to say, from the second Monday in November, 1812,

till the second Monday in November, 1814; that the delegate elected in pursuance of law and for the term of two years, could not be deprived of his seat by any subsequent law.

Mr. Hempstead appears to have been on other committees than the one I have referred to. He was on a committee to whom was referred the petition of Daniel Boone, and the resolutions of the legislature of Kentucky in his behalf, and made a report thereon.

The first session of the Thirteenth Congress met on the 24th of May, 1813, but Mr. Hempstead did not take his seat till the 10th of June; this session of Congress adjourned on the 2d of August, and Mr. Hempstead's name is not connected with any measure introduced in the House during that session. Mr. Clay was the Speaker of this House.

The second session of this Thirteenth Congress convened on the 6th of December, 1813, and Mr. Hempstead was present as delegate from the Territory of Missouri. He had given his attention to a subject of vast importance to the Territory that he represented. It was the question of the final adjustment of land titles upon the bill which had been presented in the House in accordance with resolutions theretofore introduced by him. It was on this bill that he made what appears to be his only speech during his term of service. As reported in the "History of Congress," it is an able one. He treats of the questions presented with great clearness, evincing a thorough knowledge of his subject and of the questions of international law which were involved. He contended that the title to lands in Louisiana Territory, before Spain ceded it to France in 1803, should be recognized and confirmed by the United States; that the acts of the Spanish government in granting titles to lands in Louisiana Territory from the time of the cession to France in 1800 and up to the time France ceded it to the United States in 1803, should be recognized and confirmed by the United States. France had never taken possession of the country ceded by Spain in 1800, but had left the latter country in the full exercise of its sovereignty up to the time of the cession to the United States in 1803. Former acts of Congress had cut off all of these grants made by the Spanish government, violating, as he contended, not only the treaty with France, but the well known principles of international law. Mr. Hempstead characterized this law as "the violation of every principle either of law or equity; it declared that which had been legally commenced under another government to be null and void; it made void the proceedings of a power in the just exercise of its sovereignty. Instances have often occurred, where what had been lawfully begun, but not completed, has been sanctioned and acknowledged, especially when it depended on the performances of conditions which subsequent events had made it

impossible to perform, but never could a lawful act be made unlawful. A right once vested could not, without any fault of the claimant, be either at law or in equity divested;” such a principle changed the nature of things, and was, therefore, odious. “Would,” asked Mr. Hempstead, “the Spanish government have sanctioned the grants made by its officers? If so, they ought now to be sanctioned; without the solemn stipulations of the treaty to support it, policy alone would dictate such a course.” He appealed in behalf of his constituents: “Liberality will secure the affections of those you have made a part of your family; it will root old attachments, while a more rigid plan will occasion distrust and dissatisfaction, and the change will be regarded as injurious. No national benefit can result from this rigor; a few acres of land to the United States are nothing, but taken away from individuals may cause distress and ruin. Many of them are strangers to your language and unacquainted with your laws; their affections ought not to be estranged when extending justice to them will secure their confidence.” Mr. Hempstead then showed the injustice of other laws which had been passed on this subject: “They had been so amended and altered by so many different statutes that difficulties had been increased instead of diminished. It could not be denied that the people of his Territory were in a worse situation in that respect than others. It now remains for me, Mr. Speaker, to consider very briefly whether the present bill will do full and complete justice to the claimants. During the ten years of scrutiny and investigation, few have made improvements. Many families, despairing of obtaining their equitable claims, and tired of the uncertainties attending their titles, have abandoned a country which cannot prosper without the fostering aid of the government, and, if the delay of justice has not, in all cases, been equal in its consequences to an absolute denial of it, still it has caused much distress and injury. The present bill will quiet the apprehensions of most of the claimants, and although it will neither satisfy nor do justice to all, yet it will restore that confidence which has been much impaired, and will do what the national faith is pledged to do.” The act of Congress, which Mr. Hempstead had introduced, and so ably and strenuously advocated, became a law on the 12th day of April, 1814. It was a law of transcendent importance to the people of the Territory of Missouri, for it confirmed “the incomplete Spanish grants or conceptions, or any warrant or order of survey for lands lying within the Territory of Missouri prior to March 10, 1804,” which was the date when the sovereignty of France over Upper Louisiana passed to the sovereignty of the United States. The act also provided for giving to the settlers of Missouri Territory the right of pre-emption to public lands, a beneficent act which extended the principle which had been applied to other Territories.



Mr. Hempstead's name does not further appear in the proceedings of this session of Congress, which adjourned on the 18th day of April, 1814, to meet on the last Monday of the following October. Mr. Madison, however, called an extra session of Congress to meet on the 19th of September, 1814. Mr. Hempstead seems not to have taken his seat at this extra session of Congress, and probably for the reason that the term of two years for which he was elected would expire in about six weeks after the meeting of said extra session.

Mr. Hempstead, as I have said before, took his seat as delegate in Congress from the Territory of Missouri on the 4th of January, 1813. Let us take a glance at the members who composed this house, and we will find many of the great names of this country. We may well say: "There were giants in those days." Henry Clay was speaker; from New Hampshire there was Samuel Dinsmore, and from Vermont, Martin Chittenden; from Rhode Island, Elisha R. Potter, men afterward so distinguished in their own States; from New York, Url Tracy; from Pennsylvania, Jonathan Roberts; from Maryland, Philip Barton Key; from Virginia, John Randolph, Burwell Bassett, and James Pleasants, Jr. That great man Nath. Macon, was a member from North Carolina, and, also, Wm. R. King, afterward Senator from Alabama and Vice-President of the United States; from South Carolina, there was John C. Calhoun, Wm. Lowndes and Langton Cheves; from Kentucky, besides Mr. Clay, the speaker, were Richard M. Johnson and Joseph Desha. In the thirteenth Congress, for a part of which Mr. Hempstead was a member, there were other distinguished names. Daniel Webster, from New Hampshire; Richard Skinner, from Vermont; Charles J. Ingersoll, from Pennsylvania; John Forsythe, from Georgia, and John McLean, subsequently Justice of the Supreme Court of the United States, from Ohio, and John W. Taylor, from New York, afterward Speaker of the House of Representatives.

Mr. Hempstead, having successfully accomplished the objects for which he was sent to Congress, declined a re-election, and returned to the practice of his profession, and to the performance of all the duties of a good citizen. In this latter capacity he showed his disposition to be useful to his country by accepting inferior stations, after having retired from the highest which the vote of his fellow citizens could confer upon him. He went out in several expeditions to protect the frontiers from the Indians during the war which followed, and afterward served in the General Assembly of the Territory, of which he was elected speaker in the popular branch.

The service of Mr. Hempstead as delegate was for two years—from November 12, 1812, till November 12, 1814. Rufus Easton succeeded him, and took his seat in the House on November 16, 1814, four days

after the expiration of Mr. Hempstead's term. This was in the thirteenth Congress.

John Scott succeeded Mr. Easton as a delegate to the fourteenth Congress, and took his seat on the second day of December, 1816. His seat was contested by Rufus Easton. The committee reported that Mr. Scott was not entitled to the seat, and that Mr. Easton was entitled to it. The House overruled the committee, and decided, by a vote of 79 to 68, that Mr. Easton was not entitled to his seat, but also adopted a resolution declaring the seat vacant, and refused to pass a resolution ordering a new election for the Territory. It is a somewhat singular fact that the two first delegates for Missouri Territory to Congress were Connecticut men, Edward Hempstead and Rufus Easton. Mr. Easton filled a long space in the earlier as well as the latter history of Missouri. I have often heard Mr. Charles S. Hempstead, who was for many years my law partner, speak of Mr. Easton, who was a member of the St. Louis bar at the same time as himself. He described him as a man of such unrivaled conversational power that none who ever met him forgot the fascinating flow of his words. Judge Bay, in his interesting reminiscences of the bench and bar of Missouri, says that Mr. Easton served Missouri as a delegate to Congress for four years. In that he is mistaken, for Mr. Easton only served for one term. The three delegates that the Territory of Missouri had in Congress were Edward Hempstead, Rufus Easton and John Scott, and it is safe to say that no Territory of the United States was ever so ably represented. The canvass of delegate to Congress for the Territory of Missouri, in the summer of 1816, was between Rufus Easton and John Scott.

Mr. Hempstead was the friend and supporter of Mr. Scott, and entered warmly into the canvass in his behalf. In returning from St. Charles to St. Louis a day or two before the election, which was on Monday, August 4, 1817, he was thrown from his horse, and received what was supposed to be but a slight injury on his head. He was able, however, to continue his journey home, and afterwards to attend to his usual business. The injury he received was, however, far more serious than was at first supposed. In arguing a cause in court on the 9th of August, he was stricken down with congestion of the brain, the undoubted result of his being thrown from his horse; falling senseless, he lingered until half-past 12 o'clock Sunday morning, when he expired. I copy a mournful entry made by his venerable father, Stephen Hempstead, in his diary, dated August 9, 1817: "Went into St. Louis, this afternoon, and found my son Edward in a fit of apoplexy, and not able to speak. Every medical aid was used to restore his system again, but to no purpose. He continued until half-past 12 o'clock and expired in the bloom of life at the age of 37 years and 3 months." His

funeral took place on Monday, the 11th of August, on the farm of his father, five miles from town, which now constitutes the Bellefontaine cemetery. I copy another entry made in the same diary, dated Monday, August 11, in relation to the funeral: "The funeral was attended by a very numerous collection of people of every description whose faces were uniformly wet with the tears of sorrow for their departed friend. The neighbors in the country were generally collected at my house for the funeral. Mr. Giddings made a prayer, and committed to the grave the remains of a beloved son, cut down suddenly in the prime of life and usefulness, a great loss to my family, but much greater to the Territory and public in general."

The following obituary notice appeared in The Missouri Gazette of August 16, 1817: "Died, on Sunday night last, after a short illness, Edward Hempstead, Esq., counsellor and attorney at law, and formerly a delegate from this Territory to Congress. In the dear relation of husband, son and brother, the deceased is believed to have fully acted up to his duty. The sorrow of his widow and relations offered the most eloquent expression of his worth. On Monday the corpse of the deceased was attended to the place of interment (at the plantation of his father, Stephen Hempstead, Esq.,) by a greater number of respectable citizens than we have ever witnessed here on a similar occasion."

The Rev. Salmon Giddings delivered the funeral sermon on Mr. Hempstead on August 17, 1817. It was an eloquent and feeling tribute to the worth of the deceased. After alluding to his settlement in Louisiana Territory, he says:

"Here, by his diligent attention to business, he had acquired a fortune, and by his virtuous conduct had gained the confidence and esteem of his fellow-citizens. In the private walks of life few shone so bright. He was modest and unassuming, and endeared to all around him by a thousand tender ties. As his influence was extensive, he used it for the peace and benefit of society. In him the oppressed found a protector, and the poor a benefactor. \* \* \* His professions of friendship were few but sincere, and his attachments ardent. Those who knew him best esteemed him most. \* \* \* Few men were so exemplary in their lives. As a son he was most dutiful and affectionate. Few, very few, have done in that capacity what he did. As a husband he was kind and indulgent, pleasing and agreeable. \* \* \* As a professional character he shone conspicuous. His talents were rather solid than splendid. Of quick apprehension, a discriminating mind and clear judgment, his counsel was much sought and highly esteemed. He was surpassed by few in his profes-

sion, and in whatever sphere he was called to act he shone with more than common lustre. His loss is not only individual but public. The oppressed have lost a protector, the poor a benefactor, the rich an amiable and agreeable companion, a wise and prudent counselor, the vicious a reprover, virtue a friend and the Territory one of its brightest ornaments."

The cotemporaries of Mr. Hempstead in the Territory of Upper Louisiana, and afterward Missouri, at the bar, and in the field of politics were men of great ability and who have left an indellible impression upon your history.

They were Thomas H. Benton, Rufus Easton, John Scott, J. B. C. Lucas, David Barton, Edward Bates, Luke E. Lawless and Robert Wash. Though they have all long since gone to that "undiscovered country, from whose bourne no traveler returns," their names and their memories shall live so long as Missouri shall have a place in history.

I have thus sketched imperfectly, and, I fear, tediously, the career of Edward Hempstead, whose name is honorably associated with the earliest history of your State. His record as a citizen, a lawyer and a public servant, reveals a man whose memory the people of Missouri will cherish with feelings of pride and gratitude.

The portrait presented to your State may assist in perpetuating the remembrance of one who rendered great and important service to the infant Territory of Missouri, and one who in every position of his life exhibited all those qualities which challenge the admiration and respect of mankind.

"The man resolved and steady to his trust,  
Inflexible to ill, and obstinately just."

*Governor Crittenden, Senators and Representatives, Ladies and Gentlemen :*

I cannot close without tendering to you my profound acknowledgments for all the cordiality of your reception. I visit the Capital of your great State for the first time, and am particularly fortunate in being here when your Legislature is in session, as it has enabled me to meet so many gentlemen who I am most happy to know. I shall bear with me the most agreeable souvenirs of your kindness, and always guard the recollection of your gracious hospitality.

ACCEPTANCE IN BEHALF OF THE STATE.

At the conclusion of the address, Gov. Crittenden stepped forward and accepted the portrait, and said :



*Mr. President, Mr. Washburne, Senators and Representatives, Ladies and Gentlemen:*

In the name of the people of the State of Missouri, I sincerely thank the distinguished gentleman to whose splendid address we have just listened with much interest and pleasure, and I now commission him, in the name of the citizens of this commonwealth, to bear to the generous donor of this portrait our heartfelt thanks. Mr. Washburne, upon your presentation to the Senate on yesterday, it was truthfully said of you that your name and reputation belonged to our common country; but we have another and a stronger reason for reciprocating your fraternal sentiments. You come from a State from which we are only separated by a narrow stream. We proudly refer to the Mississippi as the grandest river upon the face of the earth, but its commercial importance, in which Missouri and Illinois are equally interested, but serves to strengthen our feelings and to render more certain a reciprocity upon our part of every sentiment you have uttered manifesting an interest in the welfare of our beloved State. No words of mine can convey to you or to the gentleman whom you represent an adequate conception of our appreciation of his gift. This occasion and the address made by Mr. Washburne are important, not alone as marking an episode in the life of Missouri, but they have a historic value. Much that was never before known, save to a favored few, is now a part of our history; and when in years to come we shall look upon the portrait of Hon. Edward Hempstead, the first delegate in Congress from the Territory of Missouri, we will, by the untarnished record of his pure life, be incited to loftier aims and more exalted purposes. And, sir, [To Mr. Washburne,] as the same waters which wash the shores of Illinois lave the borders of Missouri and then meet and mingle in their onward sweep to the gulf, forming as they go a mighty artery of commerce, so may the mutuality of good will and fraternal feelings which now characterize the people of these sister States form a still closer bond of union between us as we sweep onward to a common eternity. Again I thank you.









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